

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRADLY MARKS,

Plaintiff,

-against-

HIGHER RESPONSE MARKETING, INC.,
d/b/a MEDICAL ALERT KING,

Defendant.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 4/30/2018

17-CV-8780 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:


Plaintiff Bradley Marks filed the complaint in the instant action on November 10, 2017, (Doc. 1), and on November 14, 2017, an electronic summons was issued, (Doc. 4), but no subsequent action was taken. On January 5, 2018, I issued an order directing Plaintiff to submit a letter explaining why this action should not be dismissed for failure to prosecute. (Doc. 5.) On January 9, 2018, Plaintiff filed his affidavit of service indicating that Defendant Higher Response Marketing, Inc. had been served and its answer to the complaint had been due on December 13, 2017. (Doc. 6.) On February 7, 2018, Plaintiff filed a request to enter default against Defendant with a supporting affirmation, (Docs. 9–10), and on the same day I issued an order directing Plaintiff to Attachment A of my Individual Rules, which governs the procedure for default judgments (“February 7 Order”), (Doc. 8). The Clerk of Court entered a certificate of default on February 13, 2018, (Doc. 11).

Because Plaintiff did not take any action subsequent to the Clerk of Court issuing a certificate of default, on April 5, 2018 I issued an order directing Plaintiff to submit an order to show cause pursuant to my Individual Rules on or before April 20, 2018. (Doc. 12.) Although a

notice of appearance was filed on April 6, 2018, (Doc. 13), nothing has been filed since that time. Thus, it is ORDERED that Plaintiff submit an order to show cause or an explanation as to its failure to prosecute on or before May 7, 2018. If Plaintiff fails to file any papers indicating an intent to prosecute this action by that time, this action will be dismissed without prejudice for failure to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 632 (1962) (“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an inherent power . . . necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” (internal quotation marks omitted)).

SO ORDERED.

Dated: April 30, 2018
New York, New York


Vernon S. Broderick
United States District Judge